

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE, INDIANA 47305



MONDAY, MARCH 7, 2022

PUBLIC HEARING: 6:30 P.M., 1st Floor City Hall Auditorium.

ORD. 9-22 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (EDIT).

No public comment. A motion was made by Ingram and seconded by Polk to adjourn the public hearing.

ADJOURNED.

REGULAR MEETING: 7:00 P.M., 1st Floor City Hall Auditorium.

PLEDGE OF ALLEGIANCE: Led by Councilman Overbey.

INVOCATION: Given by Councilman Green.

CITIZEN RECOGNITION: Councilman Robinson expresses it is always an honor to present the Citizen of the Month award. Being President of City Council, he was tasked with executing the process of allocating \$2 million to local nonprofit organizations. Many people were involved in finding the process, eligibility and the eventual decisions to award these funds to our local nonprofit community. Each of those people are deserving of this award and our absolute appreciation. In a manner of full transparency, the names of each of those committee members in the entire process along with all documents, final award amount to each organization and what the money is being spent on can be found on the city website, the American Rescue Plan page under the nonprofit's tab. He encourages everyone to check that out to see all the great work that committee did and to learn of all those citizens who helped throughout the process. Although there was a lot of people involved in making this a successful process, one individual in particular stood out. However, Robinson would be remised if he didn't also mention and acknowledge the hard work and leadership a Heart of Indiana United Way's President and CEO, Jenni Marsh. She was the Chair of both committees. Robinson originally planned to award two citizen of the month awards but if you know Jenni Marsh and in true Jenni Marsh fashion, she was also as impressed as he was with the hard work of tonight's recipient and asked that he be recognized alone. That person is Heart of Indiana United Way's Director of Community Investments, Jim Flatford. Robinson explains if you know Jim you know how passionate he is about our community and how he works tirelessly to help those in our community who need it the most. In fact, Robinson is guessing that Mr. Flatford is probably a little uncomfortable tonight being singled out but he really is so deserving and truly epitomizes what a true community servant is. He doesn't do what he does for recognition but does it because it is the right thing to do. Jim did a lot of the heavy lifting during the ARP nonprofit process, the least of which was keeping track of ideas and conversations had by each committee and providing supporting documents that truly provided the roadmap to the process they would follow. He facilitated two separate public information sessions attended by nonprofit executives to help them understand the process before it began and met with and communicated to nearly all of the more than 70 applicants there was. He made himself available, day and night, for anyone who had questions and walked them through the process and helped

guide anyone who needed his help applying for funds and additionally collected information on each organization. They ended up providing funds to 53 nonprofit organizations. Robinson could go on and on about the contribution that Jim had to this process but it truly, and frankly is hard to put into words, just how great and instrumental he was in this process. To all those involved, they know exactly how important he was and each of those committee members and all the people that helped throughout the process would acknowledge through his work that they were able to create a flawless process which is now being modeled in other communities around the state. All of this work was outside of his daily job duties with the Heart of Indiana United Way. As Robinson said, Mr. Flatford is the epitome of a community servant and is honored to present him with this month's citizen of the month award.

Jim Flatford expresses that Robinson was telling the truth that this does make him uncomfortable as he doesn't like being in the spotlight but really would just like to thank President Robinson and the City Council for entrusting United Way with overseeing this process for the ARP funds. He does think they did a job they can be proud about. They were able to meet a lot of new people throughout this process, some that they don't usually grant to through the United Way so that was very fun. He would like to thank all of the committee members that helped make the decisions. His final statement to leave everyone with is about how \$2 million is a lot of money and there are a lot of folks hurting before the pandemic and even more now. Those dollars are going to go to good use but we all need to step up and help our neighbors and community even more.

ROLL CALL:	PRESENT	ABSENT
Aaron Clark	X	
Ro Selvey	X	
Troy Ingram	X	
Jeff Green	X	
Jeff Robinson	X	
Brandon Garrett	X	
Brad Polk	X	
Jerry Dishman	X	
Roger Overbey	X	

APPROVAL OF THE MINUTES: A motion is made by Ingram and seconded by Polk to Approve the Minutes from February 7, 2022. A roll call vote showed 8 yeas and 1 abstain (Overbey). MINUTES APPROVED.

APPOINTMENTS TO BOARD AND COMMISSIONS: Newly-appointed Fire Chief, Robert Mead, believes this is an appropriate time to come and introduce himself to the Council so they can put a face to a name. The Council congratulates him and express they are happy to have him aboard and wish him luck.

Parks Superintendent, Carl Malone, wanted to talk a little bit about park programming. For the last three years the City Council and City of Muncie provided funding to enable the department to hire several youth throughout the community. They have hired as many as 200 and have hired as many as 100 several times. In providing a little bit of an overview of the program, Malone expresses it has been three years of them really trying to identify and interview several youth to get them ready for the workforce and they think the program has done that. It is a six-week program that provides a mentoring component and

they work throughout the City at various locations such as the Park Department, YMCA, Cornerstone, Second Harvest and several other sites throughout the summer. They also attend a mandatory mentoring class provided by Purdue Extension, which this year they are going to provide STEM for 3 weeks and then Thrive Credit Union is going to provide the financial literacy component. They are very excited and will be meeting with them this year to become a partner. The program will be kicked-off on June 1st and the second week in July. Malone just wants to say that the kids really enjoy have an opportunity to earn some dollars, \$100 a week, through this program. He thanks the Council along with the Mayor and City of Muncie for providing the funding and allocating the charge to provide opportunity for our kids to learn some lifelong skills. They look forward to continue to provide ways to give them income. Malone states they started with one day a week with one mentoring session a week and now are at two days a week and as he stated before, those weekly mentoring sessions are mandatory. Councilwoman Selvey comments that she printed off the application and was giving it to her 8th grader student and questions if there is a way that those applications can be provided to the school counselors so they can distribute them to 8th graders and above in an effort to get more kids in the program. Malone states yes and refers to the City Parks and Recreation website where people can go online and get those applications as well. He also likes the old school, face to face, walk up and provide those applications to the counselors or to the principal at the schools.

Yvonne Thompson, Director of the Muncie Human Rights Commission, along with Susan Fischer with Muncie Public Library (and volunteer with the Martin Luther King Dream Team) and WaTasha Barnes Griffin with YMCA (and Chair of the Martin Luther King Dream Team) are all here tonight to report on the Black history Month Celebration that took place on Saturday, February 5th.

Susan Fischer expresses they wanted to thank the City of Muncie Mayor's Office for having a proclamation as well as Deputy Mayor Richard Ivy for being apart of the event that day. They really appreciated that support from the City, community and of course Minnetrista who graciously hosts the event each year.

WaTasha Barnes-Griffin states as a member the MLK Dream Team, the ideologies of Dr. Martin Luther King are "I are, we are" and continuing to share with our communities by putting on programs that reflect his leadership, desires and hope for peaceful communal living. Every year, the students write these essays about how they emulate Dr. King's life and express what he's done for them and what they are doing for others in their communities. The top three winners received financial gifts from Northwest Bank so she takes the opportunity to thank them. Thompson adds that they usually have the winners of the essay contest here to present their essays in front of City Council but apologizes for that not happening tonight. They are not sure what happened. However, the winning essays are posted on the MLK Dream Team Facebook page and there were some very wonderful essays written this year so encourages everyone to go take a look. They appreciate the help.

Regarding Human Rights, Thompson wishes to mention one other thing. There are people that, for some odd reason, are buying homes without actually going out to see the home. Again, they are buying homes without seeing them. She is asking the public do not do that, please. There was a woman that visited the Building Commissioner's Office just today with a 100-year-old home. She has just totally been ripped off and now has to pay money out of the wazoo (of at least \$85,000 to \$90,000) just to get the thing fixed! Thompson informs the plan of having a fair housing meeting in April so everyone can look forward to that but urges the Council to please discuss this with the people in their districts and the people they converse with if they have questions about housing to please check first. Please do not sign anything

before you see the house or rental property. Please don't. She just had to say that because it is so heartbreaking to see and hear this happening.

BOARDS AND COMMISSIONS: A motion is made by Robinson and seconded by Clark to nominate John Beatty to the Beech Grove Cemetery Board. No further nominations. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. John Beatty appointed to the Beech Grove Cemetery Board. Robinson informs they will have another appointment to Beech Grove in April for an expiring board member. This one came from a resignation so will serve out the final two years of the term they are replacing.

A motion is made by Robinson and seconded by Polk to nominate Tim Underhill to the Muncie Bicycle-Pedestrian Advisory Committee. Robinson relays that he applied through GoServe and just spoke with him today. Underhill is a Boy Scout Troop #22 Leader, Assistant Scout Master and has been an active bicyclist since 1988. He is a Ball State lecturer in the College of Communication, Information and Media and lives near Tillotson. He is very passionate about bicycling and has asked to be appointed to this board. No further nominations. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Tim Underhill appointed to the Bicycle-Pedestrian Advisory Committee.

Appointments for next month consist of the one for Beech Grove Cemetery as well as an appointment to the Human Rights Commission, due to a resignation. Selvey (being on the Human Rights Commission) informs the qualifications just specify a small business owner and the more diverse the person is, the more appreciative.

The Council also has the Muncie Community School Board appointment to make. It has been decided that the Council will make that appointment at a Special Meeting that is now scheduled for Tuesday, March 29th at 5:30 p.m. here in the City Hall Auditorium. The Council will submit three names to President Mearns at Ball State University where he will make one selection of those three names. Anyone who has applied will be given an opportunity to speak before the Council and answer any questions the Council might have before making that selection. It is not too late to express interest and one can do so by visiting www.GoServeMuncie.com and fill out information there to submit your name for consideration in the Muncie Community School Board.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 6-22 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (MOTOR VEHICLE HIGHWAY).

A motion is made by Ingram and seconded by Polk to Adopt.

Robinson mentions they heard about this last month when it was introduced. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 7-22 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (BUILDING COMMISSIONER).

A motion is made by Polk and seconded by Green to Adopt.

Craig Wright, City Controller, expresses this is an ordinance that the Building Commissioner, Steve Selvey, wanted him to bring before Council. It is asking for additional appropriations for \$17,500 for computer equipment and the software program the Building Commissioner is wanting to move forward with. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 8-22 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (ANIMAL SHELTER).

A motion is made by Selvey and seconded by Ingram to Adopt.

Craig Wright, City Controller, states he talked to the Animal Shelter Director, Ethan Browning, this afternoon who was definitely feeling under the weather therefore informed him that he would bring this up. This is basically an additional appropriation for Dog/Cat Tech in the amount of \$29,240. Robinson states the Council certainly appreciated the email from Director Browning today explaining this and his reason of absence as well. They hope he feels better soon. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

NEW ORDINANCES:**ORD. 9-22 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (EDIT).**

A motion is made by Polk and seconded by Selvey to Introduce.

Dan Ridenour, Muncie Mayor, recalls doing this appropriation last year. The \$377,000 is what was left over last year so they just wanted to get it appropriated so that it could possibly be spent out of EDIT in 2022. It is money that is in the account now. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 10-22 AN ORDINANCE DECLARING AN DEVELOPMENT TARGET AREA FOR MUNCIE CITY VIEW HOMES LLC.

A motion is made by Green and seconded by Ingram to Introduce.

Dan Ridenour, Muncie Mayor, explains this is City View II, which is a developer who is putting in new housing on scattered Muncie Redevelopment Commission lots. This housing will be places so that people will be able to rent and then ultimately purchase and the plan is to fill in a lot of scattered sites. On this particular one, they moved out a little so City View I (which starts construction next month) was more directly south of downtown, while this second phase has moved out. They'll have about ten in the Thomas Park Avondale neighborhood, expecting ten south of Memorial and ten that will be a little further east along Burlington and in that area. He states they are very excited about that. It takes all these properties off the MRC's tax rolls, puts new housing stock in for our City, which is important, and provides citizens the opportunity to have some new housing. It can be looked forward to what this will do for our construction, tax base and new housing. This this will help Muncie's old housing stock. He explains this ordinance is just to approve the target area as the Economic Development Commission approved the target area back in February. However, they will have to come back before Council at for least one more meeting, probably two. Mayor Ridenour adds that he, just today, received the tax abatement numbers so they are reviewing them to make sure that they're accurate and will have them on next month's agenda. He indicates they will be asking for a tax abatement to help this project.

Yvonne Thompson, Human Rights Director, is unsure if the Mayor is aware but wants to make sure that Minority-owned and Women-owned business in the construction area are properly notified about these opportunities. She offers assistance from her office to get that notification out and that they would be glad to do that. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

OTHER BUSINESS:

ORD. 1-22 COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, DESIGNATION OF ECONOMIC DEVELOPMENT TARGET AREA (Southway Plaza Area).

A motion is made by Green and seconded by Polk to bring Ord. 1-22 off the Table for Approval. A roll call vote showed 8 yeas and 1 nay (Robinson). **MOTION CARRIED.**

Mayor Ridenour makes the comment he jumped the gun a little bit on this back in January. They closed this transaction in November with BrickRed Systems purchasing the shopping center. The intent is for them to bring in one of their operations and anticipate about 50 employees and plan to use part of the space for that. They want to revamp the shopping center to hopefully have a medical side and a retail side. What the City is helping the company with is greening up that parking lot and helping create a play area with a gazebo and some walking paths. The Mayor refers to the press release and how they shared some photographs but he can also provide an illustration of what it will look like. He indicates the white area is the existing shopping center. Mayor Ridenour then explains the reason the company delayed him being able to announce this and start work in January is that they had a lot of HVAC problems that they wanted to address. Those have all been handled and that existing shopping center will all remain. They're going to revamp it, obviously, and put their IT Department in there. In looking at the parking lot, there some areas close to the shopping center that are going to remain parking spaces. The middle section will become greenspace with some walking paths, gazebos, benches and a playground area. Then, along Madison, their intent is to put in some restaurants and the City is helping with that particular process. Therefore, people are going to see some outlots built. Finally, a lot of trees with many of the "1000 Trees in 1000 Days" trees going into that parking lot. They are really excited about the prospects and would be going into that parking lot we're really excited about the prospects and the company is really excited about being here. What this particular ordinance does is just help create the target area so that they can look at a tax abatement and Mayor Ridenour will be back next month with that tax abatement. This is just to establish the target area and it has already been to the Economic Development Commission who approved it back in January.

Councilman Ingram clarifies that they introduced this back in January and then tabled it but now that they have brought it back off the table, this vote is to adopt. Robinson confirms. The Mayor comments the target area, yes and adds they will be back next month for introduction and the following month (May) would be the final vote on the tax abatement. Ingram questions if Mayor Ridenour knew they were going to pull this off the table for a while and how long he knew the Council was trying to get this passed because he feels like he is being hijacked now after pulling it from the table and being forced to vote on something he really hasn't done any research on. The Mayor expresses all he knows is that he had it on the agenda for January but the company asked him to please not bring it forward and announce it. That is why he asked Councilman Green, the council member for that area, to take it off and they knew they could take it off the table so that it would not be discussed. Ingram states he is very supportive of what is going on, he just thinks if he votes yes, he is not really voting because he has done his research or knows what he is voting for. Mayor Ridenour states this vote has nothing to do with tax abatements. It is setting up a target area that and the Council would still have to vote on the tax abatement. Ingram mentions certain criteria that needs to be met in order for it to be designated. Councilman Clark questions President Robinson if this was on the agenda in January. Robinson believes it was for introduction but does not believe there was a lot of conversation on it as it was introduced and tabled relatively quickly. The lack of conversation would go to the Mayor's point of why they asked to not announce it. Really, there hasn't been much conversation.

Councilwoman Selvey comments that this area needs their speedy attention. She adds that the Council Attorney gave them a really nice definition with notes about what a TIF district looks like and the

criteria. She thinks she has had enough time to look at the attorneys notes. Working on the south side, she drives by there often and in her point of view, every part of the definition is valid for that area and she is glad they are moving forward with this and not waiting.

Robinson wants to read what the criteria is in determining an economic development target area for public consumption. It is "an area that has become undesirable or impossible for normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property."

Councilman Dishman refers to the two outbuildings along Madison and questions if the City was going to help build those. Mayor Ridenour corrects him and states the City is going to help locate restaurants for them. The software company is willing to build to suit or sell the lots or keep and lease the land. They are very interested and going to take whatever steps they need to do to make sure those things happen but that's all on them.

Councilman Green comments that people should take the time and go down and look at that area. He has lived in Muncie now for over 30 years and remembers as a teenager coming to Muncie from the Middletown area and the Southside Plaza was there. At that time, it looked nice but if you look at it today and (in his opinion) it looks like it ought to be condemned, although, he has not went inside to look at a lot of it. There used to be a wonderful Marsh store there that he and his wife shopped at for many years before it closed. Some shops remained there for a little while but later went away. It has become an eyesore. It feels like for the people of the south side of town that the rest of the City does not care. Selvey agrees. Green states even the Council, at times, have felt that way. He has talked with a lot of people of the south side of town and they want to see some things happen. They are thrilled about Gillman's coming in but a lot of people have been talking about having restaurants down there so they won't have to go to the north side of town just to eat at a sit-down restaurant, especially something as nice as this. The citizens are looking forward to this and would like to see this happen. Green, especially, would love to see it happen. Selvey states she would as well.

Councilman Garrett confirms that this meets the criteria for the economic target area, which the Mayor states yes. Garrett then questions the type of restaurants being planned for there, if they are sit-down or fast food. Mayor Ridenour explains the IT firm out of Redmond, Washington has some specific restaurants in mind, none of which are what he would call fast food. (That doesn't mean that there won't be a fast food but notes that none of those restaurants were.) He indicates the City told them that they didn't think that the restaurant logo should be advertised because if something falls apart then people feel misled because they thought it was coming and now it isn't. So, they took all the restaurant logos off.

Robinson assumes because the Mayor is asking to set this up as an economic development target area that they will be bringing forth some sort of tax abatements for the property. Mayor Ridenour confirms. Robinson questions beyond tax abatements if there is any other financial help that the City may be providing. Mayor Ridenour answers just Mayor's EDIT funds and a lot of the trees from the "1000 Trees in 1000 Days."

Ingram wishes to clarify that he is not opposed to voting on this. His concern is, once again, the communication. If he would have known this was going to be brought off the table, he would have done more research although he does agree that it meets the criteria. He feels like it could be communicated a little better if this was something that was already planned so that council members can be better prepared. Mayor Ridenour says that this company has held him back since November from announcing this. He knows it is important for the south side and our gateway. The Mayor complied with what the company said and the minute said to go ahead with it, they put the announcement out in the paper. It was

the largest Facebook post volume they have ever seen on a City post. There is a lot of excitement about it. He then claims he did not know until that day that this was coming so it is not like he has known for months that it was going to get brought out on the March 7th meeting. Had the company continued to say hold off, he advises **this wouldn't be coming until April. However, he knows the representatives are** going to be here in two weeks and want to get started on this. He wants to have the success of the Council voting on what he hopes to be a unanimous vote so that they could come in a few weeks and see just how much the community wants this project. To show we are behind it and are 100% ready to help it move forward. Again, the Mayor claims it is not like he has known and states he has been waiting, waiting and waiting. He mentioned he would have loved for it to have came off the table in February. It was originally brought up in January and is the exact same ordinance so it's not like they made any changes. Again, the minute they gave the Mayor the "okay," **the Administration made the announcement. He feels for Ingram's situation and knows he is not opposed in any way shape or form but it wasn't** planned to be brought out in March, it was planned to be brought out in January and then approved in February. That was the plan but the company wouldn't let him announce it.

Questions called by Councilman Clark.

Audie Barber, south side of Muncie, clarifies they are putting in a IT company and a doctors' offices/medical pavilion area...? He just wants to make sure nothing is going to be snuck in on the south side of town that is really detrimental to the south side of Muncie. I hopes that they have known about this and about this company. **(He can't even recollect the company name the Mayor earlier mentioned.)** But, he just wants to make sure that it is not another WSP (Waelz Sustainable Products) or something like that before going forward with this. Robinson thanks him for his comments and states the good thing is if they are to expect tax abatements on this in the future, this is the first step in a long process of getting those approved. That means this won't be the first time that the Council has this matter in front of them and Robinson is sure that more information will be provided.

Mary Stilts refers to growing up on the south side of town in the 50's and 60's when Southway Plaza was vibrant. It had multiple shops, shoe stores, a grocery, a drug store and the shopping center was thriving. To see it today... makes all of us sick that live over there. This is to develop that area and bring it back to life making it what it once was, talking 60 years ago. She grew up with this shopping center and we need to revitalize it. She will do whatever she can to help push this along because the south side of Muncie deserves a break and let's do it starting with this, please.

Mark Kinman, resident of the south side of Muncie, states he is 68 years old and has lived on the south side of Muncie all his life. He grew up on the south side and has lived near Tillotson and 12th Street but has always came back. He was absolutely elated **when he heard that Gillman's was coming in.** We have needed a store like that on the south side for all of his life. Now, to have the old south side area over there redeveloped with something nice coming in finally over on that end of town, the residents have needed this for years but in the past was never able to get anything done, fighting with all the previous Administrations in this town. Kinman has been coming up to these meetings for over 30-some years fighting the Administration and he isn't going to stop until the day he dies. He does understand what Ingram is saying about timelines and things but this was introduced in January. Even though it was tabled in January, **it wouldn't have mattered if it came off the table in April, May or June while they had all that** time to investigate what they wanted to investigate whether it is coming of the table now or coming off the table in 4 months. The investigation time is there the day that it was put on the agenda and they should have investigated all they wanted. This is just something the community really needs out there on the south end of town. Again, **he understands Ingram's concern but hearing him say that he didn't have** time to investigate just isn't true because he had two months to investigate. The time is there for them to

investigate. Kinman explains he, personally, actually goes in and investigates anything that is tabled for this very reason. He takes his own personal time to investigate everything and believes the Council knows him personally well enough that they know he does that. He isn't saying anything different. He mentions investigating with the roads on the street ordinance of which he and Robinson have had many conversations regarding. Again, this is something the south end of town has needed for a long time. He hopes this doesn't get turned down by anyone and hopes it gets a unanimous vote tonight. It needs to have a unanimous vote. He really appreciates what the Mayor has done to try to update the south end of town. They not only have Gillman's now but Canpack is building out on that end of town, as well, which is also going to generate more people coming in. The people are finally going to get some things built on the south end of town and it is well-deserved.

Robinson expresses in fairness to Ingram that he understands what he is saying because when this was brought up, it was immediately pulled. They read it to table it because the Mayor asked that it be tabled. Robinson states he even asked Councilman Green before this meeting when learning that he was going to pull it off the table, they had to confirm that they did in fact table it rather than withdraw it. So, he does understand Councilman Ingram's point and can say 100% that's his heart is on the south side. Robinson believes this was more about – he doesn't want to call it a communication issue because he won't challenge when the Mayor learned that this might be coming forward but does understand the nervousness about it getting sprung and will give Councilman Ingram some grace in that respect. Robinson is aware that further matters on this will be coming before them a number of times in the future in terms of tax abatements. He intends to vote yes on this this evening and is sure that the votes will be there but just hopes that in the future they can be a little bit more communicative on plans and could be prepared for when something like this happens in the future. Again, he gives some grace to Councilman Ingram and can certainly understand his frustration with this and he shares in that frustration. Additionally, he knows they are going to have plenty of opportunity to vet this. He doesn't have an issue and thinks it does meet the criteria and that it is a great project. His preference is to move to vote if there is no further questions.

Councilman Overbey clarifies how many jobs were coming in there. Mayor Ridenour answers they are starting with 50. Overbey asks how much that will grow exponentially. The Mayor answers he does not know. Being the new guy, Overbey's comment is that he wants to see growth in the community. He has had several constituents on the east side hoping there will be growth on the east side coming in to Muncie which is a great gateway. He states he grew up in Randolph County and used to come into Muncie on HWY 32 and didn't know until the other day when one of his constituents took him for a ride that CVS was closed over there. He would like to see the growth over there and growth in Muncie altogether.

Mayor Ridenour responds and acknowledges he is one that reads the paper and when the press release came out, it went into a lot of details about walk BrickRed systems is and what they were intending to do so he apologizes if he didn't put that out. He really thought it was covered and knew it was introduced as it said it was Southway Plaza, showed the area and matched perfectly with the article that David Penticuff wrote in The Star Press. He mentions he did research showing the size of the company, how many employees they have and even had some quotes from them. Mayor Ridenour apologizes if the Council and President Robinson feel like there was lack of communication. Ingram states the confusion was... The Mayor understands. Ingram continues it wasn't explained why it was pulled. The Mayor is just saying he took the information to the paper. Robinson relays he is going to give Councilman Ingram the opportunity to respond and then they are going to move on. Ingram, again, states when it was pulled from the table it wasn't explained why and the he wasn't sure if it was going to

be introduced off the table or not. That was his mistake. The Mayor states it is okay, there was no mistake. He was just saying that is why he didn't feel the need to share with all the Council the information that The Star Press had put out because he felt like they covered it really well and did a lot of research. Ingram states he read the article but wasn't aware they were going to be bringing this ordinance back from the table.

Councilman Green states when he tabled this ordinance in January, he told everyone here at the meeting (the councilors at that time) that they were having trouble getting quotes for the HVAC and the roofing was taking longer than expected. That is what he said at that meeting. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

PUBLIC COMMENT:

Anitra Montgomery, Secretary for the NAACP is here to introduce their first annual Mental Health Walk and Run on Saturday, May 14th. The registration starts at 8:00 AM, and the walk will start at 9:00 AM. They are very excited about it. Mental Health affects us all, not just one population of people and not just one population within the community so it is really important. They want to eliminate the stigma towards mental health and help educate our community on the disorders and things that are shattering our society. If you would like to register, you can go NAACPMuncie.org. There are sponsorships available as well as other opportunities for sponsorship. They thank their current sponsors, IU Ball Memorial Heath, Muncie YMCA, the Human Rights Commission, (inaudible) and would like to welcome anyone else that would like to sponsor, be a partner or volunteer. Volunteers are really important and really needed for this event. Their email is NAACPMuncieBranch@gmail.com. After the race, there will be music, light refreshments and information tables from different organizations dealing with mental health. The walk will start at McCulloch Park and go through Cardinal Greenway and return back to McCulloch Park.

George Foley, Parks Program Director, indicates the proceeds from the race will go towards the Park Foundation and Recovery Café in Muncie.

Wayne Scaife, Muncie, is here to voice his displeasure with an action that took place appointing the newest City Council Member for District #6. He doesn't personally know Councilman Overbey and hasn't ever met him before. He acknowledges he might be a good person but it is amazing how the constituents, the voters in Muncie can vote for a council member but one person can vote who replaces them. The Democratic Party Chairman, Ana Quirk Hunter, disregarded who the voters said they wanted in that position and took it upon herself to elect that person. With the help of her committee, Scaife acknowledges Councilman Dishman was part of it, they said it was a unanimous decision to put Overbey in that position. However, that is not who they voiced their opinion for. The people spoke on who they wanted to represent them but she disregarded them and said she is going to pick who represents these people. That is unfair. Now, he looks at this Council and out of the nine council members, only five are elected and the other four are appointed. With the exception of Ray Dudley, Ralph Smith and Richard Ivy, he knows things were done at the last minute but as far back as November there were rumors going around that Anitra Davis was going to resign. Scaife voiced his displeasure with the way she handled the situation also because she should have gotten with the District, had a meeting and asked who they want to replace her and for her to take that information to the Party Chairman. That didn't happen that way. She left in January and the rumor has been going around since November. He thinks it was unfair to their District to put someone in there that they didn't want. Like he said, he has nothing against Overbey. He

adds at the meeting, there was other support there so not only did she have prior knowledge of it, she knew that night who the people were there to support and who they wanted but still disregarded their vote. One of the things Overbey said that night was that he really didn't want to do this but talked to Councilman Dishman who talked him into doing it. That is a slap in the face to their District to have a man say that he really didn't want it but then gets the job. Scaife thinks that is a disgrace. President Robinson advises his time is up and he is going to give Councilman Overbey the opportunity to respond and wants to respect his time and what he has to say. Although, he informs this is a matter outside of the Council. Scaife replies he has been at these meetings and many people here speak on matters outside the Council. Robinson agrees and will allow Scaife 15-20 more seconds to finish stating his point. Scaife reiterates he comes to here every month and recalls a gentleman back in December speaking for 6 minutes and nobody ever said anything so makes the comment that President Robinson is not doing this consistently. It depends on what the person is saying that they will let them go through on 4 or 5 minutes. Robinson clarifies if it is relevant to the Council and information they need. Scaife is not referring to conversation back and forth. There was a man that spoke for 6 minutes and he knows because he sits back there and times people. He claims Robinson isn't doing the constituents fair and that, again, it depends on what they are saying if they will be allowed to talk. If somebody that is saying something of unpopular opinion or not very well-liked, their 3 minutes are up and it's not fair. Scaife will let Overbey respond although he doesn't really want to hear the comment. He was there that night and knows what happened so this is not hearsay and it wasn't fair what occurred. Scaife suggests for anyone in District #6 that if there is a candidate from 214 Democrats, do not vote for them because they don't respect these people or their votes. He is not saying who to vote for but is saying if they are coming out of 214 Democrats, do not vote for them for District #6. Additionally, as he looks up on the Council, he notices there's nobody up here with his skin color representing them. No one.

Councilman Overbey was told that some people took what he said about what Mr. Scaife said about not wanting that position and actually what he was talking about (and he told both his wife and Councilman Dishman this) was how he is not a politician. He is too plain spoken to be a politician and if somebody wants to vote him out next year then that is fine. He thought his wife didn't want him to do this so he said that he wasn't sure if he was going to but she encouraged him to say yes. She said if he wants to do it then go ahead and do it and it will not cause any problems between the two of them. That is essentially what he meant by that. Additionally, the vote was a three-way tie with two, two and two. Therefore, Overbey was told the Democrat Party was going to break the tie, which they did, and that is what occurred.

Erica Cook, an employee at Reynolds Farm Equipment for the past 15 years, passes out a packet of information to the Council. After listening to Mr. Overbey's concerns and complaints regarding noise of ord. 5-22 during the last City Council meeting in February, they decided to investigate for themselves how much noise is produced by their business practices. They do want to be good neighbors and that is very important to them. They purchased a decibel reader (holding it up for everyone to see) and she was tasked with using the decibel meter to read noise levels on their back lot. She did this the week of February 21st going out twice a day at random times making sure to not read during a scheduled break time for their technicians. She stood on the north side of their lot and used the decibel meter to read noise levels for 15 to 30 seconds each time. The yellow star on the map she provided is where she stood. The house that can be seen just north of the yellow star is Mr. Overbey's house. She found out the decibel meter is very sensitive. Variables like birds chirping in the trees, traffic on McGalliard and even sleet (as it was sleeting one of the times she was outside) caused the meter to constantly move. Because of that,

she always recorded the highest level it got up to each time she went out which is the reading on the spreadsheet she provided. It is her understanding the City Ordinance for noise is 90 decibels. It can be found in her findings on the spreadsheet that they are well below the City Ordinance of 90 decibels. Actually, the highest reading she had all week (the two times a day she went out for five days) was from the train horn at 66 decibels. None of the observed tests broke even 60 decibels. She took a video with her phone each time she did a decibel reading and can provide any video for verification and is happy to answer any questions they may have.

Councilman Clark refers to a few of the notes that were made. When the lot was quiet it came in at 46 and 45 decibels and verifies that is when there is no action occurring behind the building. Cook explains things like traffic on McGalliard, of all things, you would not think being on the far north side of the lot that you could hear the traffic but you can. Things like traffic, birds chirping and even if she held it too close to her and moved with her jacket on, it would pick it up. There is constantly noise, you just may not realize it and she figured that out by using this device twice a day. Clark acknowledges there is only about a 20 decibel difference between activity and non-activity.

Councilman Overbey assumes their decibel reader is somewhat sensitive. Cook states yes. Overbey mentions bringing up Reynolds over the years but will not comment further since he is now on Council. He states the other neighbors in the past have made complaints to Councilman Dishman. Overbey adds he has recordings that he brought forth at the time and explains that was at times when the equipment was in the back lot, close to the star on the findings she provided. He has a video of one of those and states it is pretty loud when the equipment in the back lot is running. That's what the concern was with some of the neighbors he talked to. Some of the problems, he has to say, the company has fixed over the years like when Dishman talked to Mr. Reynolds about the PA system which was very loud. He isn't sure if they ever did a survey on that or not but can say that back in the day that was loud. Overbey acknowledges that Reynolds is a good business. They have employees there and do a good business in the community and it was never the neighbors there wishing to hinder their business. They just wanted them to be good neighbors and to be able to have a dialogue that if something is loud to them in their backyards then they can be able to talk to Mr. Black or Mr. Thomas about it. The manager told him earlier today that, in fact, they have been more mindful about being in the back and doing things back there since this was brought up and the neighborhood appreciates that. They also appreciate Cook taking the time to do this. Cook reiterates that they do want to be good neighbors. The store manager is going to speak after her and hit on this a little bit more but the business did not know of these complaints until Overbey spoke at the last meeting. She claims they knew of the PA system when first moved in and decided to unhook the PA system on the back lot, which has taken care of that. Up until the last meeting where they watched and listened to his concerns, they did not know the noise was such a problem. Since that meeting, everyone at Reynolds is now very aware and cognizant of what they're doing on the back lot and have made appropriate changes. For example, addressing the air compressor to make it a little bit quieter. She affirms that everyone there is now well aware of his concerns. Overbey states the neighborhood appreciates that because there was a time when Dishman got involved and people were really complaining but it was some time ago. However, there has been a few times with combines right behind the fence revving up the engine and things. He mentions his neighbor getting ahold of him asking if he could believe it. He states he called and talked to a service manager, unable to remember his name, and asked him if there was a way they could move that toward the front, somewhere right out from behind their houses. No formal complaints were staged at the time but they did just ask for a little help back there. If they are conscience to the problems of the neighbors, trying to fix those problems and their employees (like Mr. Black told him) being unaware at the time but now aware, is appreciated.

Craig Black, Store Manager at Reynolds Farm Equipment since November 2015, is here tonight to speak about the inaccurate and misleading information presented to this Council on February 7, 2022 regarding ord. 5-22. Ord. 5-22 was introduced and subsequently withdrawn at that meeting. First off, he would like to apologize on behalf of himself and Reynolds Farm Equipment for their absence from the February 7th meeting. He claims he has never dealt with zoning and states he was unfamiliar with the process after the initial hearing in January with the Muncie Planning Commission. After the February 7th meeting, he was shocked to hear the scathing comments about himself, Reynolds and their business practices. He immediately reached out to each of the council members he could find emails for inviting them to tour their facility and sit down to discuss these issues. Councilwoman Selvey reached out and suggested he attend a Morningside Homeowners Association meeting February 12th at MCL, which he did. At the meeting, he met Overbey for the first time that he is aware of in his life, being the second time ever to speak with him (the first being he believes in 2018 or 2019). Overbey did give him the opportunity to speak although he was really just planning on listening but since he asked, Black did. Having a listen to the minutes of the February 7th meeting, Overbey's presentation and the comments from the Council, one would get the impression that these have been ongoing and unresolved issues. After sitting in on the Homeowner's Association meeting, he realized these are unjustified complaints from over a decade ago. Black basically asked Overbey questions about the timeline of the events he discussed in the February 7th meeting and the outcome because he informed the Council in his email having been the manager since 2015, this was all news to him. When questioned about the code enforcement that was sent out, he was told by Overbey 2009 to 2010. When he asked about the petition that Jerry Dishman took to Gary Reynolds, again, he was told pre-2010. When he asked about noise enforcement, he was told the same time period and when he asked if there was a violation, he was told no. He asked when Overbey claims he walked over to talk to the manager, he was again told it has been over 12 years ago, like all of the other complaints. They are accused of not sending out notifying letters of their zoning request while Laura Stanton of the Metropolitan Planning Commission confirmed to Black that all 13 of the self-addressed stamped envelopes provided to her in December were. Mary McGee, the neighbor to Overbey, confirmed in the meeting of the Homeowner's Association that she received one. He told Overbey that he recalls he did call him one time in 2018 or 2019 and complain about the trash. He explains they pick up trash every day, their own, neighbors or just passersby. He indicates for trash, they try to contain it in a dumpster on the far west side of the lot shielded by their warehouse next to Avery's Chickens and Goats. Trash blows in from McGalliard every day and you should see it today after this weekend storms. They are accused of not being good neighbors but they thought they were. When code enforcement was called all those years ago, they even unhooked their PA, even though it was under the City's acceptable noise ordinance level. He has obtained and reviewed a copy of the police dispatch report for 2220 E. McGalliard from 2006 to today and there are zero noise complaints during that period during business hours. They are open from 7:30 to 5:00, Monday to Friday, 7:30 to 12:00 on Saturdays and closed all Sundays and all holidays. Equipment make some noise and they service and sell equipment. The neighbor's lawn mower is more likely noisier than their business operations are. Never once have they been cited for noise since 2006. Equipment is ran in short intervals, randomly, year-round, not every day and definitely not all day every day. They are more conscious of their operations now as recently he was looking into the noisiest activities that they can do and checked out how loud they are. They are still under the noise ordinance level but he did take a solution to quiet some of the noise down by almost a third. OSHA sets standard for not only noise but also employees safety as well as air and water quality in and around the business. In September 2021, they completed their most recent pre-OSHA inspection and corrected any concerns. None of the above and mentioned items was a question.

They want to be good neighbors and believe they have been. They comply with all City and OSHA rules and they will continue to do so moving forward.

Jason Donati wanted to speak about two things. First, wearing his MSD hat, he informs of the upcoming spring cleanups of which applications are being accepted right now. They have had eight neighborhoods sign up. It will be the first three Saturdays of May but the applications are due March 31st. As you have probably noticed with the spring weather and the wind, there is a lot of litter and debris on the ground but it is also a great opportunity for neighborhoods to come together and bring stuff to the curb. Just so everyone is aware, when a Neighborhood Association applies, they try to find at least six volunteers per truck. If you do not know what your Neighborhood Association is, he suggests getting with the Muncie Action Plan or one of the organizations that help organize neighborhoods. There is a map online to figure out how you can get involved. Secondly, now wearing his Plant Muncie Chair hat as a Muncie Action Plan Board Member, he wanted to encourage the public to take a climate action plan survey that is online right now. Go their Facebook page, Muncie Climate Action Plan and click the link for that. They are really requesting community input on this plan as they write it. If you remember last year in April, Council unanimously passed a climate resiliency resolution and the Planet Muncie committee has been working for almost a year on writing that but really need community input. It is important they get that so he wanted to encourage people to do that. He also wanted to thank Councilman Ingram for participating in that committee. If people could go online and fill out that survey, it would be greatly appreciated and he will post it in the comments of the livestream of this meeting on Facebook.

Audie Barber states since he spoke about Southway Plaza earlier he will not take too long. He wants to see all the business they can get on the south side of Muncie. There is need for many new businesses over there to bring the area back to life. He remembers when it was a thriving plaza but jokes he wasn't quite as old as some of these other people say they were when it was booming. He would like to the due diligence done on all these projects that are being looked at for sure to make sure everything's on the up-and-up on it because people sneak stuff in all the time and it isn't realized until it is too late. Just keep that in mind.

ADJOURNED:

A motion was made by Ingram and seconded by Polk to Adjourn. A vote by acclamation showed 9 yeas and 0 nays. ADJOURNED.


Jeff Robinson, President of the
Muncie Common Council


Belinda Munson, Muncie City Clerk
of the Muncie Common Council